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SUBJECT: BACKLASH TO DUMA AMENDMENTS PROPOSING RESTRICTIONS ON
REFERENDUMS

Summary

¶1. (U) Amendments to the "law on referendums" which are working their way through the State Duma, would greatly restrict if not abolish the right of Russian citizens to express their views through national plebiscites. The amendments, offered by three members of the ruling United Russia party, had their first reading in early October and could be approved by the Duma and sent to the Federation Council by mid-November. Human rights advocates see the amendments as a way to limit citizen participation in government. The Constitutional Court has already commented that the Duma has no right to restrict the use of referendums by citizens. End summary.

Weakening the Law on Referendums

¶2. (U) Amendments to the law on referendums, which had their first reading in the State Duma on October 11, would ban the use of referendums on issues that come under "exclusive jurisdiction of government bodies." Under the Constitution, citizens have the right to participate in government through referendums. Article 32 of the Constitution states: "Citizens of the Russian Federation shall have the right to elect and to be elected to bodies of state governance and to organs of local self-government, as well as take part in a referendum."

¶3. (SBU) The amendments are currently in the Duma's Committee on Constitutional Legislation and State Building. According to news reports, the amendments could have their second and final readings by mid-November. Supporters of the bill have said that the amendments are needed to "prevent public discord." The use of legal referendums in Russia to date has been limited. Referendums were used to approve the mergers of several of Russia's regions. The communists and liberals have most often tried to use referendums to make policy but their attempts have typically failed.

Restricting the Right to Participate

¶4. (SBU) Human rights advocates are opposed to the bill. Human Rights Watch's Allison Gill said the amendments effectively would abolish the use of referendums. William Smirnov, a member of the President's Human Rights Council agreed and told us the legislation contradicts the Constitution-enshrined right to hold referendums. Smirnov predicted that the amendments will be changed because, from a legal perspective, they are not well written. Although their purpose was obvious - to substantially reduce the right to use referendums -- he believed the bill was too sensitive to be passed

so easily. Smirnov speculated that its supporters may have intentionally proposed extreme language in order to ensure that any compromise that emerges would scale back citizens' ability to use referendums.

¶5. (U) In a rare comment on pending legislation, the Constitutional Court opined that deputies have "no right to abolish or severely restrict the right of citizens to participate in referendums." This was only the second time the Constitutional Court has commented prior to a law being enacted. The first time was when the Duma was considering the Court's move to St. Petersburg. The opinion of the Constitutional Court does not have legal bearing at this stage; however, the fact that they chose to comment sends a strong signal that the amendments, if passed as is, could have trouble if challenged in court.

¶6. (SBU) A week after the first reading of the amendments, the civic youth movement "Oborona" staged a protest in front of the State Duma. They handed out flyers which blamed United Russia for trying to take away this last possible route for citizens to have a say in the life of the country. Embassy observed five members of Oborona being detained by police.

Comment

¶7. (SBU) In addition to the Constitutional Court's comments, the proposal to restrict referendums has prompted much negative commentary in the press. It is possible that the reaction may stop the adoption of the amendments, or postpone it until after the campaign, which culminates in Duma elections December 2.